

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1683

By: Cooksey

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5
6 AS INTRODUCED

7 An Act relating to waters and water rights; amending
8 82 O.S. 2001, Section 1324.5, which relates to the
9 Rural Water, Sewer, Gas and Solid Waste Management
10 Districts Act; updating statutory language; requiring
11 a copy of annexation notice to be mailed to certain
12 property owners; providing for payment of mailing
13 costs; requiring a rural water district to provide
14 notice of certain loan applications to certain
15 persons and entities; providing for payment of
16 mailing costs; providing for codification; providing
17 an effective date; and declaring an emergency.

18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 82 O.S. 2001, Section 1324.5, is
20 amended to read as follows:

21 Section 1324.5 Whenever a petition as provided in the preceding
22 section is filed with the county clerk, ~~he~~ the county clerk shall
23 ~~thereupon~~ give notice to the county commissioners of the filing and
24 pendency of ~~said~~ the petition, ~~whereupon, if.~~ If the petition
proposes the creation of a water district, the county commissioners
shall immediately determine from the Oklahoma Water Resources Board
whether or not there is water available to adequately serve the

1 proposed district, and the county commissioners shall ~~forthwith~~
2 enter their order setting a public hearing upon ~~said~~ the petition
3 for a day certain and directing the county clerk to give notice of
4 ~~said~~ the hearing by legal publication for two (2) consecutive weeks
5 in a newspaper published in each county containing lands embraced
6 within the boundaries of the proposed district. ~~Said~~ The newspapers
7 ~~must~~ shall have a general circulation in the county of publication.
8 ~~Provided, however, if~~ If there is a county in which there is no
9 newspaper of general circulation published, notice of ~~such~~ the
10 hearing shall be given by posting in five public places within ~~said~~
11 the county, one of which shall be the county courthouse. ~~Such~~ A
12 copy of the notice of annexation shall be mailed by first-class mail
13 to all owners of property to be annexed as shown by the ownership
14 rolls for the current year maintained in the office of the county
15 treasurer. All costs associated with mailing the notice of
16 annexation shall be paid by the rural water district. The notice
17 shall contain a ~~brief~~ brief:

18 1. Brief and concise statement describing the purpose of ~~such~~
19 the hearing; ~~a description~~

20 2. Description of the territory to be embraced within ~~said~~ the
21 district; ~~a notice~~

22 3. Notice to all persons residing or owning property and
23 incorporated municipalities within the proposed district that they
24 may appear upon the date and at the time and place of ~~said~~ the

1 hearing to show cause, if any ~~there be~~, why ~~said~~ the petition should
2 not be granted; and ~~a notice~~

3 4. Notice to all rural residents of the proposed district that,
4 if ~~said~~ the district shall be ordered created, an organizational
5 meeting to elect a board of directors and officers and to adopt
6 bylaws will be held immediately following the entry of the order
7 creating ~~said~~ the district.

8 In addition, the county clerk shall, at least ten (10) days
9 before the date fixed for ~~said~~ the hearing, give or send by
10 registered or certified mail notice thereof to each of the
11 petitioners.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1324.40 of Title 82, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Whenever a rural water district applies for a loan from the
16 United States Department of Agriculture, notice shall be mailed by
17 first-class mail prior to the district accepting the loan to:

18 1. All owners of property located in or partially located in
19 the rural water district as shown by the ownership rolls for the
20 current year maintained in the office of the county treasurer; and

21 2. Municipal water providers located in, partially located in,
22 or located near the rural water district.

23 B. All costs associated with mailing the notice as required in
24 this section shall be paid by the rural water district.

1 SECTION 3. This act shall become effective July 1, 2011.

2 SECTION 4. It being immediately necessary for the preservation
3 of the public peace, health and safety, an emergency is hereby
4 declared to exist, by reason whereof this act shall take effect and
5 be in full force from and after its passage and approval.

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